

December 3, 2004



Re: U.S. Patent Application No. TO BE ASSIGNED  
Title: IDENTIFICATION OF SORTASE GENE  
Filed: November 15, 2004  
Our Reference No.: 39750-0791A

Dear Examiner Navarro:

Please accept our apologies for the late arrival of the attached reference cited in the Information Disclosure Statement filing of November 15, 2004. Our records show that this reference was inadvertently missing from the original filing sent by US Postal Express Mail Service on this same date.

We apologize for this occurrence and thank you for this consideration.

Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506

**COPY****THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: ) Examiner: Navarro, Albert Mark  
 )  
 Olaf SCHNEEWIND, et al. ) Group Art Unit: 1645  
 )  
 Application Serial No. 09/292,437 ) Attorney's Docket No. 39754-0791A  
 )  
 Filed: April 15, 1999 ) Customer No. 25213  
 )  
 For: **IDENTIFICATION OF SORTASE** )  
 **GENE** )  
 )  
 )

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**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97****MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56.

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
- OR -
- (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided; or

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

*Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Attorney's Docket No. 39754-0822A).

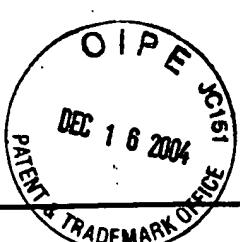
Respectfully submitted,

By:

  
James Fox (Reg. No. 38,455)

Dated: November 15, 2004

**HELLER EHRLICH WHITE & MCAULIFFE LLP**  
275 Middlefield Road  
Menlo Park, California 94025-3506  
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Facsimile: (650) 324-0638



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<b>INFORMATION DISCLOSURE STATEMENT</b>  <b>PTO-1449</b>		<b>ATTY. DOCKET NO.:</b> <b>39754-0791A</b>		<b>SERIAL NO.:</b> <b>09/292,437</b>			
		<b>APPLICANT :</b> Olaf SCHNEEWIND, et al.					
		<b>FILING DATE:</b> April 15, 1999		<b>GROUP:</b> 1645			
		<b>U.S. PATENT DOCUMENTS</b>					
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
<b>FOREIGN PATENT DOCUMENTS</b>							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
10	WO 99/09145 A	2/25/1999	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
<i>BE PENOT DEP</i>	WO 98/50554 A	11/12/1998	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
<i>ENCLOSED</i>	WO 97/08553 A	3/6/1997	PCT	G01N		<input type="checkbox"/>	<input type="checkbox"/>
	WO 93/18163 A	9/16/1993	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
	WO 98/18931 A	5/7/1998	PCT	C12N		<input type="checkbox"/>	<input type="checkbox"/>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	Baba, Tadashi, et al., "Target cell specificity of a bacteriocin molecule: a C-terminal signal directs lysostaphin to the cell wall of <i>Staphylococcus aureus</i> ", The EMBO Journal, Vol. 15, No. 18, pp 4789-4797, 1996.						
	Mazmanian, Sarkis K. et al. , "Sortase-catalysed anchoring of surface proteins to the cell wall of <i>Staphylococcus aureus</i> ", Molecular Microbiology, Vol. 40, No. 5, pp 1049-1057, 2001						
	Noback, M.A., "B. subtilis chromosomal DNA", Database Accession No. X96983, March 29, 1996						
	Pan, X.S., "Streptococcus pneumoniae gyrA and partial 1dh gene", Database Accession No. AJ005815, January 7, 1999.						
	Ton-That, Hung et al., "Anchoring of Surface Proteins to the Cell Wall of <i>Staphylococcus aureus</i> ", Journal of Biological Chemistry, Vol. 275, pp 9876-9881, March 31, 2000.						
	Ton-That, Hung et al., "Purification and characterization of sortase, the transpeptidase that cleaves surface proteins of <i>Staphylococcus aureus</i> at the LPXTG motif", PNAS, Vol. 96, No. 22, pp 12424-12429, October 26, 1999.						
	Yeung, M.K. et al., "Actinomyces naeslundii fimbrial structural subunit (fimA) and putative fimbria-associated protein genes", Database Accession No. AF019629, April 16, 1998.						
EXAMINER	DATE CONSIDERED						

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



### CERTIFICATION

(Attachment to Information Disclosure Statement)

37 C.F.R. §1.97(e)(1). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; or

37 C.F.R. §1.97(e)(2). APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Dated: 11/15/04

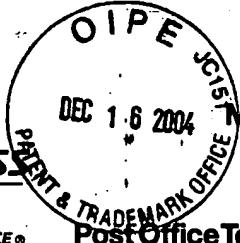
Respectfully submitted,

By:

  
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RECEIVED BY THE U.S. PATENT AND TRADEMARK OFFICE:

File No. / Attorney 39754-0791A (JAF:sp)

Application No. 09/292,437

Date Mailed Nov. 15, 2004

Documents Information Disclosure Stmt. and  
PTO 1449 w/ 12 references

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